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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ALONZO JAMES JOSEPH,  
Plaintiff,  
v.  
V. NOGUCHI, et al.  
Defendants.

No. 2:19-cv-00733 TLN DB P

**ORDER**

Plaintiff Alonzo James Joseph (“Plaintiff”), a state prisoner proceeding *pro se*, filed an action in Amador County Superior Court which was ultimately construed by the state court as a civil rights action under 42 U.S.C. § 1983. Thereafter, the action was removed by Defendant V. Noguchi (“Noguchi”) to this Court.<sup>1</sup> (*See* ECF Nos. 1–2.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 5, 2020, the magistrate judge issued findings and recommendations herein which were served on all parties and which contained notice that any objections to the findings and recommendations were to be filed within thirty days. (ECF No. 10). Thirty days have now passed, and neither party has filed objections to the findings and recommendations.

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<sup>1</sup> At the time of removal, Noguchi also filed notice that the action was related to the previously-adjudicated *Joseph v. Noguchi*, No. 2:17-cv-01193-MCE-AC (E.D. Cal. Aug. 27, 2018).

1           The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602  
2 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*.  
3 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983); *see also* 28  
4 U.S.C. § 636(b)(1).

5           The Court has reviewed the file and finds the findings and recommendations to be  
6 supported by the record and by the magistrate judge’s analysis.

7           Accordingly, IT IS HEREBY ORDERED that:

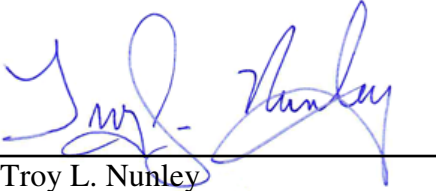
8           1. The findings and recommendations issued November 5, 2020 (ECF No. 10), are  
9 ADOPTED IN FULL, and

10           2. This action is DISMISSED without prejudice for failure to state a claim upon which  
11 relief may be granted. *See* 28 U.S.C. § 1915A(b)(1); Fed. R. Civ. P. 41(b); Local Rule 110.

12           IT IS SO ORDERED.

13           DATED: December 14, 2020

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Troy L. Nunley  
United States District Judge